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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,656	08/19/2003	Matthew Lockley	LA-7458-101/10310854	5251
167 7590 08/29/2007 FULBRIGHT AND JAWORSKI LLP 555 S. FLOWER STREET, 41ST FLOOR LOS ANGELES, CA 90071			EXAMINER RANKINS, WILLIAM E	
			ART UNIT 3609	PAPER NUMBER
			MAIL DATE 08/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/643,656

**Applicant(s)**

LOCKLEY ET AL.

**Examiner**

William E. Rankins

**Art Unit**

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Detailed Action***

***Claim Objections***

1. ~~Claim 3 is objected to~~ because of the following informalities: "...further comprising computing a device..." The examiner asserts that the claim should state "...a computing device...". Appropriate correction is required.
2. A review of the claims and updated search necessitated the rejections below.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3609

4. Claims 1-8,10-16 are rejected under 35 U.S.C. 102(e) as being unpatentable over Smith et al. (US 2004/0215538).

As per claim 1;

Smith discloses:

An order delivery mechanism for use with a trading system operative to receive an electronic order request and to dispatch that request to a trader located in a market in which the request can be actioned (Pgs. 2-3, paragraphs 0027, 0029 and 0030).

As per claim 2;

Smith discloses:

An order delivery mechanism according to claim 1 in which apparatus local to the trader is operative to print a paper order that provides the trader with instructions required to make a trade (Pg. 2, paragraph 0029).

As per claim 3;

Smith discloses:

An order delivery mechanism according to claim 1 further comprising computing a device having a display upon which instructions required to make a trade can be presented to a trader (Pg. 3, paragraph 0030).

Art Unit: 3609

As per claim 4;

Smith discloses:

An order delivery mechanism according to claim 3 in which the device is a handheld computing device that the trader can carry into the trading pit (Pg. 3, paragraph 0030).

As per claim 5;

Smith discloses:

An order delivery mechanism according to claim 4 in which the handheld device can exchange data with a server by way of a wireless link (Pg. 2, paragraph 0028).

As per claim 6;

Smith discloses:

An order delivery mechanism system according to claim 5 in which the wireless link makes use of one or more of wireless LAN technology, ad-hoc communication technology or wireless telephony (Pg. 2, paragraph 0028).

As per claim 7;

Smith discloses:

An order delivery mechanism according to claim 1 implemented as a client/server system (Pg. 2, paragraph 0027-0028).

As per claim 8;

Smith discloses:

An order delivery mechanism according to claim 7 each server may be in communication with one or more clients (Pg. 2, paragraph 0028).

As per claim 10;

Smith discloses:

An order delivery mechanism according to claim 7 in which a client includes apparatus that can present information to and receive information from a market floor trader (Pg. 3, paragraph 0030).

As per claim 11;

Smith discloses:

An order delivery mechanism according to claim 7 in which a client includes a software program executing on a handheld computing device (Pg. 3, paragraph 0030).

As per claim 12;

Smith discloses:

An order delivery mechanism according to claim 7 in which the server operates to send one trading requests to a plurality of clients (Pg. 3, paragraph 0030).

As per claim 13;

Smith discloses:

An order delivery mechanism according to claim 12 in which the plurality of clients to which the request will be sent are members of a hunt group of traders that can potentially action the request. (See BART Pgs. 2-3, paragraphs 0028-0030).

Art Unit: 3609

As per claim 14;

Smith discloses:

An order delivery mechanism according to claim 12 in which a client does not process the request until it has obtained an exclusive lock on the request (Discussion of order priorities, Pgs. 4-5, paragraphs 0038-0042).

As per claim 15;

Smith discloses:

An order delivery mechanism to claim 13 in which the exclusive lock is requested by a client and allocated by the server to the client associated with the first such request that it receives (Discussion of order priorities, Pgs. 4-5, paragraphs 0038-0042).

As per claim 16;

Smith discloses:



Art Unit: 3609

An order delivery mechanism according to claim 13 in which the exclusive lock is timed out if the request is not completed within a predetermined period of time (Discussion of locking, Pgs. 5-6, paragraphs 0048-0050).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US 2004/0215538) in view of Patsystems (J-Trader User Guide Version 1.0, May 17, 2002)

As per claim 9;

Smith does not disclose:

An order delivery mechanism according to claim 7 in which the server emulates an exchange-specific adapter to which an electronic trading system can connect.

Art Unit: 3609

However, Patsystems discloses (Pgs. 3, 5 and 37) the use of an exchange-specific adapter in the J-Trader software through which the server connects to various exchanges.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of this invention to include the system of Patsystems in the order delivery mechanism of Smith et al.

One of ordinary skill in the art would have been motivated to do so to connect various exchanges.

Art Unit: 3609

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Rankins whose telephone number is 571-270-3465. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM, off alt Fridays beg 6/15/07.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**NAEEM HAQ**  
**PRIMARY EXAMINER**



William E Rankins

Examiner

Art Unit 3609